



Docket No.: AJC 201.1 US/10304772

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Provisional Application of:  
Joseph Artiss, et al.

Application No.: 10/628,475

Filed: July 29, 2003

Art Unit: 3765

For: COMPOSITIONS COMPRISING DIETARY  
FAT COMPLEXER AND METHODS FOR  
THEIR USE

Examiner: Not Yet Assigned

**PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)**

**Mail Stop: Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicants petition the Commissioner to make special the above-identified application under 37 C.F.R. § 1.102(d). The fee of \$130.00 required by 37 C.F.R. § 1.17(h) accompanies this petition. Applicants have complied with the requirements detailed in MPEP § 708.2 (VIII), and respectfully request that their petition be granted in view of the following remarks.

**REMARKS**

**Single Invention**

Applicants submit concurrently herewith a Second Preliminary Amendment canceling original claims 1-12 and 18-61, amending claims 13-17, and adding claims 62-116. As such, claims 13-17 and 62-116 are pending in this application and directed to a single invention. If the Examiner determines that the pending claims 13-17 and 62-116 are not drawn to a single

invention, Applicants will make an election without traverse via the established telephone restriction practice of the PTO.

#### Pre-Examination Search

At the request of applicants, KRAMER & AMADO, P.C. conducted a patentability search at the U.S. Patent and Trademark Office regarding the subject matter of applicants' invention. The field of search covered class 426, sub classes 601 (U.S. and Foreign). Additionally KRAMER & AMADO, P.C. conducted a computer database search on the USPTO system EAST with particular emphasis on Class 424, subclasses 439, 451, 464, and 489; Class 426, subclasses 585, 641, 648, 652, and 658; and Class 514, subclasses 58 and 777 and a database search was also performed through Medline, STN and using the Internet search engine Google. Examiner Carolyn Paden in Class 426 (Art Unit 1761) was consulted in confirming the field of search. The results of the search, and other information that may be material or of interest, are set forth in an enclosed Applicant's Detailed Description of the References.

#### Reference Copies

Applicants previously provided a copy of each of the references deemed most closely related to the claimed subject matter in an Information Disclosure Statement filed on December 22, 2003 in this application.

#### Detailed Discussion of the References

Applicants respectfully submit that the claimed invention is patentably distinct from all of the identified references. Included herewith under separate heading is "Applicants' Detailed Discussion of the References" which points out, with the particularity required by 37 C.F.R. § 1.111 (b) and (c), how the claimed invention is patentable over the references identified in Applicants' pre-examination search.

#### CONCLUSION

In view of the foregoing, Applicant respectfully submits that the requirements of MPEP § 708.2 (VIII) have been complied with, and ask that their petition to make special be granted.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 06-2375, under Order No. AJC 201.1 US/10304772. A duplicate copy of this paper is enclosed.

Dated: Dec. 24, 2003

Respectfully submitted,

By Mary Anne Schofield

Mary Anne Schofield

Registration No.: 36,669

FULBRIGHT & JAWORSKI L.L.P.

Market Square

801 Pennsylvania Avenue, N.W.

Washington, DC 20004-2623

(202) 662-0200

(202) 662-4643 (Fax)

Attorney for Applicant